

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION  
C.A. No. 1:13-cv-277**

<b>MONESHA STATON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>REPLY IN SUPPORT OF</u></b>
	)	<b><u>MOTION TO STRIKE</u></b>
	)	
<b>NORTH STATE ACCEPTANCE, LLC, and</b>	)	<b><u>AFFIRMATIVE DEFENSES OF</u></b>
<b>EQUIFAX INFORMATION SERVICES,</b>	)	<b><u>DEFENDANT NORTH STATE</u></b>
<b>LLC,</b>	)	<b><u>ACCEPTANCE, LLC</u></b>
	)	
<b>Defendants.</b>	)	
	)	
_____	)	

TO THE HONORABLE UNITED STATES MAGISTRATE JUDGE:

NOW COMES Plaintiff MONESHA STATON, by and through counsel, and files this Reply in Support of her Motion to Strike the affirmative defenses numbered 1, 2, 3, 4, and 6 of Defendant NORTH STATE ACCEPTANCE, LLC's Answer (Dkt. #11) pursuant to FED. R. Civ. P. 12(f), and Local Rules 7.2 and 7.3, and states that she rests upon the arguments set for in her Brief in Support of Motion to Strike Affirmative Defenses (Dkt. #18). Plaintiff also states the following in reply to Defendant's Response to her motion:

1. Defendant implies that Plaintiff has concealed from the Court that she refinanced the vehicle loan. See Dkt. #23, 5 n2 and Dkt. #23, 9. Plaintiff's Complaint was signed on February 18, 2013. As of that date, to counsel's knowledge, Plaintiff had not refinanced the loan and was still a North State customer. There was no attempt to deceive the Court.
2. Defendant fails in its response to explain how its equitable defenses of waiver and equitable estoppel are relevant where Plaintiff has made no claims in equity. Either

Defendant complied with its obligations under the Fair Credit Reporting Act (“FCRA”), or it did not. There are no equitable defenses to the FCRA.

3. Defendant attempts to flesh out its defense of accord and satisfaction by referring both to its Brief on the Motion to Dismiss and by making additional factual allegations. See Dkt. #23, 5. Defendant appears to believe that Plaintiff somehow released her FCRA claims at some point in the past. Nevertheless, Defendant did not include all of those factual allegations in its Answer. Its answer states merely “Accord and satisfaction.” Defendant should move to amend its Answer to include the allegations included in its briefs if it wishes to preserve this defense.
4. Defendant appears to admit that the defense of set-off is not appropriate. Dkt. #23, 9.

WHEREFORE, Plaintiff Monesha Staton moves this Court to strike Defendant’s affirmative defenses numbered 1, 2, 3, 4, and 6 pursuant to FED. R. CIV. P. 12(f), and for such other and further relief to which she may be entitled.

This the 10<sup>th</sup> day of June, 2013.

Respectfully submitted,

By: /s/ Suzanne Begnoche  
SUZANNE BEGNOCHE  
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**Plaintiff,**

**vs.**

**NORTH STATE ACCEPTANCE, LLC, and  
EQUIFAX INFORMATION SERVICES,  
LLC,**

**Defendants.**

**CERTIFICATE OF SERVICE**

This is to certify that I have this day electronically filed the **Reply in Support of Motion to Strike Affirmative Defenses of Defendant North State Acceptance, LLC** with the Clerk of the Court using the CM/ECF system, which will send a copy to Defendants' attorneys:

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THIS the 10th day of June, 2013.

Respectfully submitted by: /s/ Suzanne Begnoche  
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